

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles P. Kocoras	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	03 C 6978	DATE	6/29/2004
CASE TITLE	Armstrong vs. Bigley et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Armstrong's application for a certificate of appealability is denied.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	SCT Courtroom deputy's initials	U.S. DISTRICT COURT CLERK 2004 JUN 29 PM 5:35 FILED Date/time received in central Clerk's Office	number of notices	Document Number 43
			date docketed	
			docketing deputy initials	
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			mailing deputy initials	

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

JUN 30 2004

CRAIG ARMSTRONG,

Plaintiff,

vs.

KIM BIGLEY, Warden; and LISA MADIGAN,
Attorney General,

Defendants.

03 C 6978

JUN 30 2004

MEMORANDUM OPINION

CHARLES P. KOCORAS, Chief District Judge:

This matter comes before the court on Craig Armstrong's ("Armstrong") application for a certificate of appealability pursuant to 28 U.S.C. § 2253(c). For the reasons set forth below, the application is denied.

BACKGROUND

The factual background for this case can be found in our prior opinion of Armstrong v. Bigley, 2004 WL 1064739 (N.D. Ill. 2004). In that decision, we dismissed Armstrong's petition under 28 U.S.C. § 2254 for a writ of habeas on the grounds that Armstrong had already been released from prison and failed to allege "collateral consequences" resulting from his parole violation and subsequent

imprisonment. Armstrong now wishes to appeal that decision, but appellate proceedings cannot commence without a certificate of appealability either from this court or from a circuit judge of the Court of Appeals. 28 U.S.C. § 2253(c); Fed. R. App. Proc. 22(b).

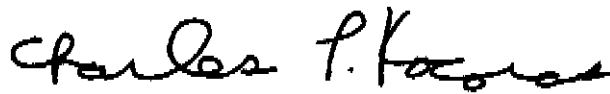
DISCUSSION

A court may issue a certificate of appealability for a decision dismissing a 28 U.S.C. § 2254 petition for writ of habeas corpus “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). In order to make this showing, the applicant must demonstrate “that reasonable jurists could debate whether the challenges in his habeas petition should have been resolved differently or that his petition adequately shows a sufficient chance of the denial of a constitutional right that he deserves encouragement to proceed further.” Rutledge v. U.S., 230 F.3d 1041, 1047 (7th Cir. 2000).

Armstrong makes no argument why another court would reach a different conclusion and does not contend that he has been deprived of a constitutional right subsequent to our dismissal of his petition. Nor has Armstrong alleged that he has returned to prison or suffered any collateral consequences from his earlier incarceration. We accordingly find that his present application does not merit certification to the appellate court under the Rutledge standard.

CONCLUSION

For the reasons set forth above, Armstrong's application for a certificate of appealability is denied.



Charles P. Kocoras
Chief Judge
United States District Court

Dated: JUN 29 2004